

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

FULLERTON ELEMENTARY SCHOOL  
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NO. 2012090365

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
DUE PROCESS HEARING

On September 25, 2012, counsel for Student filed with the Office of Administrative Hearings (OAH) a request to continue the initially scheduled hearing dates in the case, based upon the need to complete and review an alternate assessment of Student. On September 28, 2012, counsel for the District filed with OAH an opposition, stating that the District does not object to a short continuance in the matter, but not the four months requested by Student. Here, the District has filed a complaint based upon a request for an Independent Educational Evaluation. The issue is whether the District's assessment met standards for performing an evaluation, not whether Parents can obtain a superior evaluation. Only a short continuance of the matter is warranted.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is: Granted. All dates are vacated. This matter will be set as follows:

Mediation:	To be determined by the parties.
Prehearing Conference:	10/29/2012, at 1:30 p.m.
Due Process Hearing:	11/06/2012; 11/07/2012; 11/08/2012..

IT IS SO ORDERED.

Dated: October 01, 2012

/s/

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TIM NEWLOVE  
Presiding Administrative Law Judge  
Office of Administrative Hearings